



You are invited:

ARBITRATION IN 2017--WHERE IT IS HEADING

2.0 NYS CLE Credits in Professional Practice (Free)
Appropriate for both newly admitted and experienced attorneys

**Daniel P Moynihan US Courthouse
Ceremonial Courtroom (9th floor)
500 Pearl Street, NY, NY**

**Tuesday, March 7, 2017
6:00-8:00 pm
Registration opens at 5:15 pm**

Join four remarkable panelists as they share their experiences and assessments about the future of arbitration (and mediation):

- **Kenneth R. Feinberg**, Founder and Managing Partner, Law Offices of Kenneth R. Feinberg, PC
- **Theodore V. Wells, Jr.**, Partner, Paul, Weiss, Rifkind, Wharton & Garrison LLP
- **Donald M. Fehr**, Executive Director, National Hockey League Players' Association
- **Stephen P. Younger**, Partner, Patterson Belknap Webb & Tyler LLP
- Moderated by **Hon. Richard M. Berman**, Senior Judge of the US District Court for the Southern District of New York; and **Esta R. Bigler**, Director, ILR Labor & Employment Law Program, ILR School Cornell University

ADVANCE ON-LINE REGISTRATION IS REQUIRED NO LATER THAN FEBRUARY 28, 2017

Register at: <http://ww2.ca2.uscourts.gov/event/>

Password: Arbitration

This event is free and open to the public

For information call Stephanie Sutow (212) 340-2866 or e-mail esta_bigler_ilr-lel@cornell.edu

March 7, 2017
Arbitration Panelists & Articles

KENNETH R. FEINBERG

Mr. Feinberg is one of the nation's leading experts in mediation and alternative dispute resolution. He has served in the roles of Special Master, mediator and arbitrator in hundreds of high-profile disputes and settlements.

Mr. Feinberg currently serves as Special Master of the U.S. Victims of State-Sponsored Terrorism Fund at the Department of Justice. In 2015, Mr. Feinberg was appointed as Special Master by the Secretary of the Treasury to oversee decisions on potential reforms of private multi-employer pension plans in response to the passage of the Kline-Miller Multiemployer Pension Reform Act of 2014. From 2009 to 2010, he served as Special Master for TARP Executive Compensation. In this capacity, he was responsible for determining annual compensation packages for senior corporate officials at companies that received the most taxpayer financial assistance.

As Fund Administrator for the GM Ignition Switch Compensation Program (2014-2015), Mr. Feinberg was responsible for the design, implementation and administration of a claims program to compensate certain eligible death and physical injury claims related to the GM ignition switch matter.

Serving in a *pro bono* capacity, Mr. Feinberg has administered a number compensation programs following the tragedies at Virginia Tech University, the Aurora, Colorado movie theater shootings, the Sandy Hook Elementary School shootings, the Boston Marathon bombings and, most recently, the Pulse Nightclub shootings in Orlando, Florida.

In 2010, Mr. Feinberg was appointed by the Obama Administration and British Petroleum (BP) to serve as the Administrator of the Gulf Coast Claims Facility following the BP oil spill in the Gulf of Mexico.

Mr. Feinberg was appointed in June 2007 as the Distribution Agent responsible for the design and implementation of a plan for the distribution of a Fair Fund settlement of \$800 million to eligible claimants (*In Re: United States Securities and Exchange Commission v. American International Group, Inc.*). He has also served as Fund Administrator in other prominent settlements including: *In Re: United States of America v. Computer Associates International, Inc.* (responsible for the design and implementation of a restitution fund of \$275 million); *In Re: International Air Transportation Surcharge Antitrust Litigation* (responsible for the design and administration of a \$200 million fund); *In Re: Zyprexa Product Liability Litigation* (a \$700 million settlement fund); and *In Re: Latino Officers Association City of New York, Inc., et al., v The City of New York, et al.* (a \$17 million settlement fund).

Mr. Feinberg was appointed by the Attorney General of the United States to serve as the Special Master of the Federal September 11th Victim Compensation Fund of 2001. In this capacity, he developed and promulgated the Regulations governing the administration of the Fund and

administered all aspects of the program, including evaluating applications, determining appropriate compensation and disseminating awards.

In 1999, Mr. Feinberg was one of three arbitrators selected to determine the fair market value of the original Zapruder film of the Kennedy assassination. Additionally, he was one of two arbitrators selected to determine the allocation of legal fees in the Holocaust slave labor litigation.

Mr. Feinberg received his B.A. *cum laude* from the University of Massachusetts in 1967 and his J.D. from New York University School of Law in 1970, where he was Articles Editor of the *Law Review*. He was a Law Clerk for Chief Judge Stanley H. Fuld, New York State Court of Appeals from 1970 to 1972; Assistant United States Attorney, Southern District of New York from 1972 to 1975; Special Counsel, United States Senate Committee on the Judiciary from 1975 to 1980; Chief of Staff to Senator Edward M. Kennedy from 1977 to 1979; Partner at Kaye, Scholer, Fierman, Hays & Handler from 1980 to 1993; and founded The Feinberg Group, LLP in 1993.

Mr. Feinberg was a member of the Presidential Advisory Commission on Human Radiation Experiments from 1994 to 1998; the Presidential Commission on Catastrophic Nuclear Accidents from 1989 to 1990 and the Carnegie Commission Task Force on Science and Technology in Judicial and Regulatory Decision Making from 1989 to 1993. He previously chaired the American Bar Association Special Committee on Mass Torts from 1988 to 1989. He is also a national arbitrator for the American Arbitration Association.

Mr. Feinberg serves on the Board of the RAND Institute and as Chairman of the Board of the John F. Kennedy Presidential Library Foundation in Boston. He is also the former President of the Washington National Opera.

Mr. Feinberg's distinguished teaching career includes serving as Adjunct Professor of Law at Harvard, Georgetown, The University of Pennsylvania, New York University, the University of Virginia and Columbia. He has also taught as a visiting lecturer at various other law schools, including UCLA, Vanderbilt, and Duke.

Mr. Feinberg was designated "Lawyer of the Year" by the *National Law Journal* (December, 2004). He is listed in "Profiles in Power: The 100 Most Influential Lawyers in America" (*National Law Journal*, May 2, 1988; March 25, 1991; April 4, 1994; June 12, 2000; June 19, 2006). He is the author of numerous articles and essays on mediation, mass torts and other matters and is the author of two books: What is Life Worth? The Unprecedented Effort to Compensate the Victims of 9/11 (Public Affairs 2005); Who Gets What: Fair Compensation After Tragedy and Financial Upheaval (Public Affairs 2012).

Ted Wells co-chairs the litigation department at Paul, Weiss. In 2010, *The National Law Journal* named Ted one of "The Decade's Most Influential Lawyers" and "Lawyer of the Year" in 2006. He is consistently ranked among the outstanding jury trial lawyers in the U.S. by publications such as *Chambers USA*, which in 2012 recognized him as "the best trial lawyer in the country." Ted has been the lead trial lawyer in numerous multibillion dollar trials, including the representation of Citigroup, Exxon Mobil, Bank of America and Merck. He represented Steve Cohen's hedge fund SAC Capital Advisors in the Government's insider trading investigation and related litigation. Ted is a graduate of Harvard Law School and Harvard Business School.

Don Fehr NHLPA Executive Director

Don Fehr is the Executive Director of the NHLPA. Since assuming the post in 2010, Don has focused on building active participation by players in their union, and has travelled extensively to meet and consult with players around the league. Don serves as chief negotiator in collective bargaining with the NHL.

Prior to joining the NHLPA, Don spent 33 years with the Major League Baseball Players Union (MLBPA), the last 26 as Executive Director. Over this time, Don successfully maintained unity through one lockout and two strikes; litigated the collusion cases of the 1980s which led to the owners paying \$280 million in damages to the players; won the bad-faith bargaining case that ended the 1994-95 strike and subsequently negotiated an agreement; and negotiated new agreements with MLB in 2002 and 2006. These achievements resulted in an extended era of uninterrupted play, and new levels of stability in baseball labor relations.

Don helped build the strength of baseball's union by keeping the players involved and informed, and developing a strong consensus on all important issues. His goals are the same at the NHLPA.

Stephen P. Younger, Partner, Patterson Belknap

Stephen P. Younger, Past President of the New York State Bar Association, is a leading commercial litigator who is also well-known for his alternative dispute resolution work. Having been with Patterson Belknap since 1985, Mr. Younger has more than 30 years of experience as a commercial litigator. As a seasoned trial lawyer, he has tried many cases in federal and state court and before arbitration panels. He also frequently argues appeals, particularly in the appellate courts of New York. Based on his significant ADR experience, he is often called on to serve as an arbitrator or mediator in high-stakes matters.

Mr. Younger's clients include financial institutions, mutual funds, hedge funds, pension funds and venture capital firms involved in commercial, securities and real estate disputes. He has also developed an extensive practice representing Latin American companies in U.S.-related matters.

In addition to his previous role as State Bar President, Mr. Younger has sat on numerous New York State Bar Association committees. He is Past Chair of the New York State Bar Association's Commercial and Federal Litigation Section, having previously served as Chair of its Securities Litigation Committee and of its ADR Committee. Mr. Younger also served as Chair of the New York State Bar Association's Task Force on Nonlawyer Ownership of Law Firms. He is a member of the ABA's House of Delegates, and Past Chair of the ABA's International Mediation Committee. He serves as the ABA's representative to the United Nations Economic and Social Council, and as a member of the ABA's Standing Committee on the American Judicial System and was Chair of the ABA Task Force on International Trade in Legal Services.

Mr. Younger was appointed to Governor Andrew M. Cuomo's Transition Committee and was also the Transition Director for Mr. Cuomo when he was the New York State Attorney General. He was also appointed to the Transition Committee for Attorney General Eric Schneiderman. Mr. Younger was a member of the Transition Committee for New York County District Attorney, Cyrus Vance. Mr. Younger was counsel to the New York State Commission on Judicial Nomination, which nominates New York's Court of Appeals Judges, and is a member of the Governor's First Department Judicial Screening Committee.

Mr. Younger serves on the Board of Directors for the CPR Institute for Dispute Resolution, and previously served as the Chair of its Executive Advisory Committee for seven years. He is also a founding board member of the New York International Arbitration Center. He is on the Board of Directors of the Fund for Modern Courts and

Arbitration Center. He is on the Board of Directors of the Fund for Modern Courts and received the Fund's John J. McCloy Award. He served on the Chief Judge's Task Force on Commercial Litigation in the 21st Century, and currently serves on both the Chief Judge's Commercial Division Advisory Council and the Advisory Committee to the New York County Commercial Division. He was formerly a member of the Chief Judge's Advisory Committee on New York State Pro Bono Bar Admission Requirements. A long time Trustee of Albany Law School, Mr. Younger is Past President of its National Alumni Council.

Mr. Younger has spoken at more than 200 seminars and written over 30 articles in the fields of securities litigation, commercial arbitration and international dispute resolution.

Prior to joining Patterson Belknap, Mr. Younger served as Law Clerk to the Hon. Hugh R. Jones, Associate Judge for the New York Court of Appeals.

ESTA R. BIGLER

Esta R. Bigler, Esq. directs Cornell University ILR's Labor and Employment Law Program. This program brings together social scientists and attorneys to inform each other's work with the goal of addressing contemporary labor and employment law and workplace issues to influence litigation and public policy decisions by utilizing forums, conferences, and workshops. She develops programs by identifying critical and evolving labor and employment law issues and pending legislation and decisional law.

Ms. Bigler, a graduate of Cornell ILR School, has a law degree from Georgetown University. She began her law career as a field attorney with the National Labor Relations Board. She then moved to private practice, working as an associate at Vladeck, Elias, Vladeck & Engelhard, P.C., as it was then known. From private practice, Ms. Bigler entered public service, where she was the deputy director/general counsel of New York City's Bureau of Labor Services, which enforced the equal employment opportunity requirements imposed on city contractors by Executive Order No. 50.

Thereafter, Ms. Bigler joined the faculty of Cornell University as Visiting Associate Professor of Labor Relations and later was appointed Metropolitan District Director of the school's New York City Extension Program, leading and overseeing a program of training, education, and research serving lawyers, arbitrators, union, management, and government officials, a position she held until establishing the Labor and Employment Law Program. She continues to teach labor and employment law classes in the ILR School for undergraduate resident students on the School's Ithaca campus and adult students in NYC.

Ms. Bigler was the 2006 Recipient of the Alice H. Cook and Constance F. Cook Award, for commitment to women's issues and for improving the climate for women at Cornell. She served on the Advisory Committee to Governor Cuomo's Task Force investigating worker exploitation and is the current Chair of the New York State Apprenticeship Council.

RICHARD M. BERMAN
UNITED STATES DISTRICT JUDGE

Judge Berman has been a United States District Judge for the Southern District of New York since November 1998, taking senior status in 2011. He received a B.S. degree from Cornell University in 1964, a J.D. degree in 1967 from N.Y.U. School of Law, and a M.S.W. in May of 1996 from the Fordham University Graduate School of Social Service. He received a Diploma of Comparative Law in 1968 and a Diploma of International Law in 1970 from the University of Stockholm Faculty of Law.

Judge Berman was an associate at Davis Polk & Wardwell from 1970 to 1974, and served as the Executive Assistant to United States Senator Jacob K. Javits from 1974 to 1978. In 1978, he became General Counsel to Warner Cable Corporation (and to MTV Networks Inc. in 1984). In 1986, he became a member of LeBoeuf, Lamb, Greene & MacRae and served as managing partner of LeBoeuf Lamb's Los Angeles office from 1989 to 1991. From May 1995 until his appointment as a Federal District Judge, he served as a New York State Family Court Judge for Queens County.

Judge Berman has lectured on the "Rule of Law" and the "Independence of the Judiciary" in Istanbul, Turkey (2014) and Tirana, Albania (2013). He is the author of "Special Immigrant Juvenile Status", "A Team Model to Identify Child Abuse," "Seven Steps to Protect Children," and "Community Service for Juvenile Offenders," published in the *New York Law Journal*. Judge Berman is a member of the New York State-Federal Council and the New York County Lawyers' Association Family Court Task Force. He has served as Chairman of the Southern District's Media Relations and Magistrate Judges Committees and is a member of the Southern District's Clerk's Office Committee. He has served as an Adjunct Professor at New York Law School and as a member of the New York State Permanent Judicial Commission on Justice for Children.